NHSLC - BUREAU OF ENFORCEMENT - AGENDA WEDNESDAY, AUGUST 13, 2008

1. SUSPENSIONS:

Action Pending: a.

None

b. Licensees Suspended For Non-Payment of Fines:

Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training c. within 45 calendar days of the issuance of liquor license):

None

LICENSEES WHO MAY BE ORDERED TO A HEARING: 2.

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, AUGUST 13, 2008:

None

HEARINGS SCHEDULED: 4.

None

HEARINGS WITH DATES TO BE DETERMINED: 5.

None

PENDING CASES: 6.

None

7. WARNING LETTERS/FINES:

Benning Street Bar & Grill & Electra Night Club, a.

66 Benning Street, Lebanon, NH.

Restaurant Full Service With Lounge License #1189503.

Licensed under RSA 178:22, V(q).

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Date of violation: Case #: 08-408-OF. May 25, 2008.

Recommendation: \$1,500 Administrative fine with \$500 suspended for twelve (12) months pending no like violation and four (4) points assessed to the liquor license.

Jade Imperial Restaurant, 758 First NH Turnpike, Route 4, Northwood, NH. b. Restaurant Full Service With Lounge License #1328303.

Licensed under RSA 178:22, V(q).

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Date of violation: January 12, 2008.

Case #: 08-431-OF.

Recommendation: Settlement reached for a \$2,000 Administrative fine with \$1,000 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, the license to sell alcohol suspended for ten (10) days commencing August 18, 2008 with re-grant on August 28, 2008, mandatory attendance at a Management Training Seminar (MTS) within thirty (30) days of adjudication for all managers, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for servers.

Linda's Sports Bar, 2B Burnham Road, Hudson, NH. C.

Restaurant Beverage and Wine License #1305903.

Licensed under RSA 178:20.

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Date of violation: May 29, 2008.

Case #: 08-415-OF.

Recommendation: \$750 Administrative fine, four (4) points assessed to the liquor license, and the license to sell alcohol suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation.

Naswa Motor Inn, 1086 Weirs Blvd., Laconia, NH. d.

Hotel Full Service With Lounge License #213402.

Licensed under RSA 178:21, II (b)(1)/178:22, V(k). Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Date of violation: June 20, 2008.

Case #: 08-465-OF.

Recommendation: Nol pros.

Pardise Beach Club/Coral Reef Restaurant, 322 Lakeside Avenue, Laconia, NH. Restaurant Full Service With Lounge License #1218803.

Licensed under RSA 178:22, V(q).

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Date of violation: June 21, 2008.

Case #: 08-440-OF.

Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days commencing August 23, 2008 with re-grant on August 26, 2008, and mandatory attendance at a Total Education in Alcohol Manamagement (TEAM) seminar within thirty (30) days of adjudication for all managers and servers.

f. Weirs Beach Smokehouse, 38 Endicott Street, Laconia, NH. Restaurant Full Service With Lounge License #1081203.

Licensed under RSA 178:22, V(q).

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Cited for violation of RSA 179:20, II - did allow an employee to consume alcoholic beverage while working.

Date of violations: June 20, 2008.

Case #: 08-458-OF.

Recommendation: \$500 Administrative fine for violation of RSA 179:5, I, \$100 Administrative fine for violation of RSA 179:20 suspended for twelve (12) months pending no like violation, four (4) points assessed to the liquor license, the license to sell alcohol suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing August 21, 2008 with re-grant on August 23, 2008, and mandatory attendance at a Total Education in Alcohol Manamagement (TEAM) seminar within thirty (30) days of adjudication for all servers who have not attended since the date of violation.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

a. Ashworth Convenience II, 45 Ashworth Avenue, Hampton, NH. Combination License #3211747. Licensed under RSA 178:18. Cited for violation of RSA 179:23 - did fail to have an affidavit on file with the Commission for the designated person in charge. ADMINISTRATIVE FINE \$250 PAID.

- Bon'Bon's Mobil, 140 Daniel Webster Highway, Merrimack, NH. Combination License #3005247.
 Licensed under RSA 178:18.
 Cited for violation of RSA 179:5, I.
 Compliance Check 7/25/08.
 ADMINISTRATIVE FINE \$500 PAID FOUR (4) POINTS ASSESSED.
- c. China Bistro, Lake Street, Gilford, NH. Restaurant Full Service With Lounge License #410203. Licensed under RSA 178:22, V(q). Cited for violation of RSA 179:50, I - did allow an intoxicated person to loiter on the premise. ADMINISTRATIVE FINE \$250 PAID.
- d. Cornish General Store, 226 Route 120, Cornish, NH. Combination License #3207147. Licensed under RSA 178:18. Cited for violation of RSA 179:5, I. Compliance Check 7/28/08. ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- e. D & S Quick Stop, 392 Daniel Webster Highway, Merrimack, NH.
 Combination License #3145847.
 Licensed under RSA 178:18.
 Cited for violation of RSA 179:5, I.
 Compliance Check 7/25/08.
 ADMINISTRATIVE FINE \$500 PAID FOUR (4) POINTS ASSESSED.

f. Great State Beverages, 1000 Quality Drive, Hooksett, NH. Wholesale Distributor License #282320. Licensed under RSA 178:16. Cited for violation of RSA 179:13, I - did fail to report an account as overdue. ADMINISTRATIVE FINE \$250 PAID.

g. Hannaford Supermarket, 220 Washington Street, Claremont, NH. Combination License #186647. Licensed under RSA 178:18. Cited for violation of RSA 179:5, I. Compliance Check 7/28/08. ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.

h. Jessie's Grove Winery, 1973 West Turner Road, Lodi, CA.
 Direct Shipper License #8120033.
 Licensed under RSA 178:27.
 Cited for violation of RSA 178:27, V - did fail to file the May 2008 Direct Shipper Report by June 10, 2008.
 ADMINISTRATIVE FINE \$100 PAID.

i. Loft Restaurant and Tavern, 64 Freetown Road, Raymond, NH.
Restaurant Full Service With Lounge License #1359503.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check 7/17/08.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.

j. Martha's, 179-185 Main Street, Nashua, NH.
 Brew Pub License #2000815.
 Licensed under RSA 178:13.
 Cited for violation of RSA 179:27 - did allow the service/consumption of alcoholic beverage in areas not approved for service/consumption.
 ADMINISTRATIVE FINE \$250 PAID.

k. Meriden Deli Mart, 809 Route 120, Meriden, NH. Combination License #3142747. Licensed under RSA 178:18. Cited for violation of RSA 179:5, I. Compliance Check 7/29/08. ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.

Nan King Restaurant, 222 Central Street, Hudson, NH.
 Restaurant Full Service With Lounge License #277703.
 Licensed under RSA 178:22, V(q).
 Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working.
 ADMINISTRATIVE FINE \$100 PAID.

m. Nashua Garden Bar & Grill, 121 Main Street, Nashua, NH. Restaurant Beverage and Wine License #1072103. Licensed under RSA 178:20. Cited for violation of RSA 179:27 - did allow the service/consumption of alcoholic beverage in areas not approved for service/consumption. ADMINISTRATIVE FINE \$250 PAID.

- n. Penuche's Ale House, 4 Canal Street, Nashua, NH. Restaurant Beverage and Wine License #1040103. Licensed under RSA 178:20. Cited for violation of RSA 179:50, I - did allow an intoxicated person to loiter on the premise. Cited for violation of RSA 179:31 - did advertise a happy hour promotion in a window of the licensed premise. ADMINISTRATIVE FINE \$500 PAID.
- o. Pete's Bella Pizza and Pub, 23 Vintiner Road, Campton, NH. Full Service Restaurant License #1351903. Licensed under RSA 178:21, II(a). Cited for violation of RSA 179:20 - did allow an employee to consume alcoholic beverage while working. ADMINISTRATIVE FINE \$100 PAID.
- p. Strikers East, 4 Essex Drive, Raymond, NH. Full Service Restaurant License #1240903. Licensed under RSA 178:21, II(a). Cited for violation of RSA 179:5, I. Compliance Check 7/17/08. ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- q. T-Bird Mini Mart, 225 Washington Street, Claremont, NH. Combination License #47447. Licensed under RSA 178:18. Cited for violation of RSA 179:5, I. Compliance Check 7/28/08. ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
- r. White Hen Pantry 1-8902-4, 2 Amherst Road, Merrimack, NH.
 Combination License #3131447.
 Licensed under RSA 178:18.
 Cited for violation of RSA 179:5, I.
 Compliance Check 7/25/08.
 ADMINISTRATIVE FINE \$500 PAID FOUR (4) POINTS ASSESSED.

9. NEW LICENSES:

a. Somersworth Aerie No. 1887 DBA Fraternal Order of Eagles, 115 Main Street, Somersworth, NH 03878. To be issued Social Club On-Premise Cocktail Lounge License #400101 pursuant to RSA 178:22, V(h). Recommendation: Approval.

10. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Aron Hill Vineyards, Inc.,
 45 Main Street, Templeton, CA 93465.
 Direct Shipper Permit Application RSA 178:27.
 Recommendation: Approval.
- Auler, Hugo Edwin, DBA Fall Creek Vineyards, 1820 C R 222, Tow, TX 78672.
 Direct Shipper Permit Application - RSA 178:27.
 Recommendation: Approval.
- c. Bard's Tale Beer Company LLC, 211 NW Ward Road, Lees Summit, MO 64063. To be issued Beverage Vendor Permit License #44431 pursuant to RSA 178:15. Recommendation: Approval.

- d. Cherry Hill LLC DBA Patton Valley Vineyard, 9449 SW Old Highway 47, Gaston, OR 97119. Direct Shipper Permit Application - RSA 178:27. Recommendation: Approval.
- e. Eden Ice Cider Company, 1023 Sanderson Hill Road, West Charleston, VT 05872. Direct Shipper Permit Application - RSA 178:27. Recommendation: Approval.
- f. Hoosier Tradewinds, Inc., 1318 East 236th Street, Arcadia, IN 46030. To be issued Carrier Off-Premise Beverage/Wine/Liquor License #750216 pursuant to RSA 178:14. Recommendation: Approval.
- g. Kistler Vineyards LLC, 4707 Vine Hill Road, Sebastapol, CA 95472. Direct Shipper Permit Application - RSA 178:27. Recommendation: Approval.
- h. Northwood Fruits, Inc. DBA The Cherry Stop, 211 East Front Street, Traverse City, MI 49684. Direct Shipper Permit Application - RSA 178:27. Recommendation: Approval.
- i. Online Cellars LLC, 116 West Main Street, Carlton, OR 97111. Direct Shipper Permit Application - RSA 178:27. Recommendation: Approval.
- j. Provino, Inc. DBA Provino Premium Wines,
 703 2nd Street, Suite 200, Santa Rosa, CA 95404.
 Direct Shipper Permit Application RSA 178:27.
 Recommendation: Approval.
- k. Spangler Vineyards & Winery LLC,
 491 Winery Lane, Roseburg, OR 97471.
 Direct Shipper Permit Application RSA 178:27.
 Recommendation: Approval.
- Taff, Alanna & James, DBA Windwalker Vineyard, 7360 Perry Creek Road, Fairplay, CA 95684.
 Direct Shipper Permit Application - RSA 178:27.
 Recommendation: Approval.
- m. United States Beverage LLC, 700 Canal Street, Stamford, CT 06902. To be issued Beverage Vendor Permit License #45631 pursuant to RSA 178:15. Recommendation: Approval.

11. LICENSEE PETITION FOR COMMISSION APPROVAL:

a. East Manchester Fish & Game Club, 50 Massabesic Street, Manchester, NH 03103. Social Club On-Premise Cocktail Lounge License #13201. Licensed pursuant to RSA 178:22, V(h). Requests approval to transfer license to other location, to wit, to transfer the license to Camp Foster, River Road, Bedford, NH on August 23, 2008 from 12pm to 7pm pursuant to RSA 178:25. Recommendation: Approval.

- B. Grantham Indoor, Inc. DBA Spike's Grill at Grantham Indoor, 163 Yankee Barn Road, Grantham, NH 03753.
 Restaurant On-Premise Beverage/Wine License #1297503.
 Licensed pursuant to RSA 178:20.
 Requests approval for an additional inside area, to wit, an additional area to a portion of the indoor soccer field with a seating capacity of 250 on August 9, 2008 pursuant to RSA 178:24, RSA 179:53 and Liq. 404.05.
 Recommendation: Approval.
- c. LBO Holding, Inc. DBA Grand Summit Hotel,
 Route 302, Bartlett, NH 03812.
 Hotel On-Premise Cocktail Lounge License #363602.
 Licensed pursuant to RSA 178:22, V(k).
 Requests approval for an outside area, to wit, an outside parking lot area appropriately sanctioned off requested for August 7, 8, & 9, 2008 pursuant to RSA 178:24 and Liq. 404.05.
 Recommendation: Approval.
- d. Le Davignon, Inc., Social Club On-Premise Cocktail Lounge License #10901. Licensed pursuant to RSA 178:22, V(h). Requests approval to transfer license to other location, to wit, transfer the license to Camp Foster, River Road, Bedford, NH on August 16, 2008 from 9am to 5pm pursuant to RSA 178:25. Recommendation: Approval.
- e. Missions End, Inc.,
 302 Newmarket Street, Building 149, Pease AFB, Portsmouth, NH 03803.
 Military Club License #92136.
 Licensed pursuant to RSA 178:22, V(g).
 Requests approval to transfer license to other location, to wit, transfer the license to Hanger 254, Building 254 on the same property on September 9, 2008 from 5:30 pm to 11pm pursuant to RSA 178:25.
 Recommendation: Approval.
- f. Polish American Club of Nashua,
 15 School Street, Nashua, NH 03060.
 Social Club On-Premise Cocktail Lounge License #8401.
 Licensed pursuant to RSA 178:22, V(h).
 Requests approval to transfer license to other location, to wit, transfer the license to The Grove, Baboosic Lake Road, Merrimack NH on August 17, 2008 from 10am to 5pm pursuant to RSA 178:25.
 Recommendation: Approval.
- g. PTS Food Enterprises LLC DBA Milly's Tavern,
 500 Commercial Street, Manchester, NH 03101.
 Brew Pub On-Premise Cocktail Lounge License #2001715.
 Licensed pursuant to RSA 178:13.
 Requests approval for an outside area, to wit, an outside patio in the back parking lot of the Condo Association appropriately sanctioned off with seating capacity of 1,600 on August 30, 2008 from 11am to 11pm pursuant to RSA 178:24 and Liq. 404.05.
 Recommendation: Approval.

- h. T Farm 1 LLC Harts Turkey Farm Restaurant Manchester, 21 Front Street, Manchester, NH 03104. Restaurant On-Premise Cocktail Lounge License #1355803. Licensed pursuant to RSA 178:22, V(q). Requests approval for an outside area, to wit, an outside patio area appropriately sanctioned off with a seating capacity of 60 pursuant to RSA 178:24 and Liq. 404.05. Recommendation: Approval.
- i. Wal-mart Stores East LP DBA Wal Mart, 17 Colby Street, Bedford, NH 03110. Combination Off-Premise Beverage/Wine License #3212247. Licensed Pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Subway, Vision Center and California Nails pursuant to RSA 179:48. Recommendation: Approval.
- j. Wal-mart Stores East LP DBA Wal Mart, 30 Manchester Road, Derry, NH 03038. Combination Off-Premise Beverage/Wine License #3212347. Licensed pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Family Fun Center and Dunkin Donuts pursuant to RSA 179:48. Recommendation: Approval.
- k. Wal-mart Stores East LP DBA Wal Mart, 18 Georges Field, Hinsdale, NH 03451. Combination Off-Premise Beverage/Wine License #3212547. Licensed pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Dunkin Donuts pursuant to RSA 179:48. Recommendation: Approval.
- 1. Wal-mart Stores East LP DBA Wal Mart, 1328 Hooksett Road, Hooksett, NH 03106. Combination Off-Premise Beverage/Wine License #3212647. Licensed pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Service Credit Union and Subway pursuant to RSA 179:48. Recommendation: Approval.
- m. Wal-mart Stores East LP DBA Wal Mart, 254 Lowell Road, Hudson, NH 03051. Combination Off-Premise Beverage/Wine License #3212747. Licensed pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Subway, Smart Styles Hair Salon and Picture Me pursuant to RSA 179:48. Recommendation: Approval.
- n. Wal-mart Stores East LP DBA Wal Mart,
 615 Meadow Street, Littleton, NH 03561.
 Combination Off-Premise Beverage/Wine License #3212947.
 Licensed pursuant to RSA 178:18.
 Requests approval to lease part of the premise, to wit, a portion of the licensed building to Dunkin Donuts pursuant to RSA 179:48.
 Recommendation: Approval.

- o. Wal-mart Stores East LP DBA Wal Mart,
 300 Keller Street, Manchester, NH 03103.
 Combination Off-Premise Beverage/Wine License #3213147.
 Licensed pursuant to RSA 178:18.
 Requests approval to lease part of the premise, to wit, a portion of the licensed building to Service Credit Union and Subway pursuant to RSA 179:48.
 Recommendation: Approval.
- p. Wal-mart Stores East LP DBA Wal Mart, 22 Woodbury Avenue, Newington, NH 03801. Combination Off-Premise Beverage/Wine License #3213047. Licensed Pursuant to RSA 178:18 Requests approval to lease part of the premise, to wit, a portion of the licensed building to Service Credit Union and Subway pursuant to RSA 179:48. Recommendation: Approval.
- q. Wal-mart Stores East LP DBA Wal Mart, 46 North South Road, North Conway, NH 03860. Combination Off-Premise Beverage/Wine License #3213247. Licensed pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Dunkin Donuts pursuant to RSA 179:48. Recommendation: Approval.
- r. Wal-mart Stores East LP DBA Wal Mart,
 58 Plaistow Road, Plaistow, NH 03865.
 Combination Off-Premise Beverage/Wine License #3213347.
 Licensed pursuant to RSA 178:18.
 Requests approval to lease part of the premise, to wit, a portion of the licensed building to Subway pursuant to RSA 179:48.
 Recommendation: Approval.
- s. Wal-mart Stores East LP DBA Wal Mart,
 750 Route 202, Rindge, NH 03461.
 Combination Off-Premise Beverage/Wine License #3213447.
 Licensed pursuant to RSA 178:18.
 Requests approval to lease part of the premise, to wit, a portion of the licensed building to Subway pursuant to RSA 179:48.
 Recommendation: Approval.
- t. Wal-mart Stores East LP DBA Wal Mart, 39 East Main Street, Tilton, NH 03276. Combination Off-Premise Beverage/Wine License #3213647. Licensed pursuant to RSA 178:18. Requests approval to lease part of the premise, to wit, a portion of the licensed building to Dunkin Donuts and Picture Me pursuant to RSA 179:48. Recommendation: Approval.

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH. Restaurant Full Service With Lounge License #416503. Licensed under RSA 178:21, II(a)(1)/178:22, V(q). Cited for violation of RSA 179:5, I did sell or serve alcoholic beverage to an intoxicated person. Date of violation: January 11, 2008. Hearing date: February 25, 2008. Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days. The Licensee filed a Motion for Re-hearing on April 8, 2008. The Bureau of Enforcement filed its Objection to Motion for Re-hearing on May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
 Restaurant Full Service With Lounge License #1167803.
 Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
 Cited for violation of RSA 179:50, II did allow the premise to be used for any purpose that was contrary to law.
 Date of violation: February 7, 2008.
 Hearing date: April 23, 2008.
- C. C & K Restaurant, 3 East Broadway Street, Derry, NH. Restaurant Beverage and Liquor License #256803. Licensed under RSA 178:21, II(a)(1). Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check. Date of violation: May 30, 2008. Hearing date: July 22, 2008.
- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY. Direct Shipper License #8086533. Licensed under RSA 178:27. Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month. Date of violation: February 25, 2008. Hearing date: July 22, 2008.

13. COMMISSION DECISIONS AFTER HEARING:

14. MISCELLANEOUS ITEMS:

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
 - 1. 5 % tax on all retail sales at the winery and farmer's markets.
 - 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

- b. Marsh, Stacey for Evans Group, Inc. DBA Evans Expressmart,
 Exit 16 I-89, Enfield, NH 03748.
 Combination Off-Premise Beverage/Wine License #770547.
 Licensed pursuant to RSA 178:18.
 Requests approval for a Felon Exception as a Person In Charge pursuant to RSA 179:23 and Liq. 404.06(c); Ms. Marsh meets all statutory and administrative requirements for a waiver as an employee.
 Recommendation: Approval.
- c. Space Entertainment Center LLC DBA Space Center, 51 Zapora Road, Hooksett, NH 03106. To be issued Restaurant On-Premise Beverage/Wine License #1361903 pursuant to RSA 178:20. Recommendation: To be discussed.

15. EXECUTIVE SESSION ITEMS: